



## Ellen L. Darling

### Partner

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## OVERVIEW

Ellen Darling is a trial lawyer and her practice is concentrated in product liability and commercial litigation including handling nationwide consumer products class actions involving false and misleading advertising claims as well as “Made in the USA” claims. She has managed and tried cases involving devastating or life-ending injuries due to claimed product defects. A majority of her current practice is focused on companies in the aesthetic and health and beauty industry, and handling class actions and/or product liability claims for those companies.

Over her career, she has represented manufacturers of pharmaceuticals, medical devices, food, cosmetics, aesthetic products, a variety of home products, after-market accessories, motorcycles, machinery and other consumer products in various types of litigation and pre-litigation claims. In addition, she represents healthcare providers and lab companies in medical malpractice cases. Ellen also handles NHTSA and CPSC reporting and recalls involving a variety of products.

Ellen understands clients are not in the business of defending against litigation and that a trial is not always the ultimate goal. As a result, she frequently assists clients in putting processes in place to attempt to reduce the risk of litigation to their company and often provides in-person, free lunch-and-learn sessions to help employees understand litigation risks related to document creation.

## PROFESSIONAL BACKGROUND

Prior to joining the firm, Ellen was a partner at an Orange County law firm.

## ACHIEVEMENTS

- Listed in *The Best Lawyers in America*® for Commercial Litigation in Irvine, CA, 2024-2026
- Top Lawyers of 2011, *The Daily Journal* (2011)
- Top Women Lawyers of 2011, *The Daily Journal* (2011)
- Top Women Lawyers of 2012, *The Daily Journal* (2012)
- Top Women Lawyers of 2013, *The Daily Journal* (2013)

- *Southern California Super Lawyers*®, Personal Injury Defense: Products (2007-2010, 2012-2013)
- *Super Lawyers*®, Personal Injury Defense: Products - Business Edition (2011)
- *Super Lawyers*®, Personal Injury Defense: Products - Corporate Counsel Edition (2009-2010)
- *Southern California Super Lawyers*®, Personal Injury Defense: Products - Rising Stars Edition (2004)
- Top 75 Women Litigators in California, *The Daily Journal* (2005)
- Top ten defense verdict in California, *The Daily Journal* (2004)

## PROFESSIONAL / CIVIC ACTIVITIES

- Orange County Bar Association
  - Products Liability Section, Co-Chair (2005)
- American Bar Association
  - Section of Litigation
- Defense Research Institute
- Board of Directors for the Orange County Chapter of the Juvenile Diabetes Research Foundation

## SPEAKING ENGAGEMENTS

- “FDA UPDATE: Essential Knowledge Pharmaceutical and Medical Device Companies Need for 2015,” Co-Presenter, 26th Annual All Hands Meeting 2014, November 2014
- “Pharmaceutical Counterfeiting, How the Changing Landscape of Technology, Legislation and Regulation Could Affect Manufacturer Liability,” Presenter, DRI Drug & Medical Device Seminar, New York, May 2009
- “Business Development, Practice Management, and Personal Satisfaction in the First 10 years: What Young Lawyers and Their Mentors Can Do Now,” Panel Member, ABA Section of Litigation Products Liability, Women in Products Liability Regional Workshop, September 2006

## EDUCATION

- J.D., University of San Diego School of Law, 1990
- B.A., University of Arizona, 1986

## ADMISSIONS

- Bar of California
- United States District Court for the Central District of California

- United States District Court for the Eastern District of California
- United States District Court for the Southern District of California

## OTHER PUBLICATIONS

- “New Angles for Potential Manufacturer Liability Stemming from Pharmaceutical Counterfeiting,” *Co-Author, DRI For the Defense*, October 2011
- “The New War on Drugs: Manufacturers vs. counterfeiters and the rise of the anti-counterfeiting technology industry,” *Co-Author, Orange County Business Journal*, May 2011

## AREAS OF FOCUS

- Product Liability
- Class Action Defense
- Commercial Disputes
- Consumer Product Safety
- Food, Drugs, Medical Devices, and Cosmetics (FDA)
- Mass Tort

## INDUSTRIES

- Consumer Beauty and Aesthetics
- Consumer Goods and Services
- Luxury Products and Fashion

## REPRESENTATIVE EXPERIENCE

- Handled numerous US Consumer Product Safety Commission ("CPSC") safety reporting and recalls for a variety of consumer product companies, including handling post-recall negotiations and settlement discussions with product manufacturers. Handled similar roles relating to NHTSA recalls
- Counseled and represented a variety of pharmaceutical and medical device companies, including a global pharmaceutical/biologic company facing public and regulatory scrutiny for its well-known biologic used aesthetically and therapeutically, handling over 50 lawsuits as lead counsel trying seven cases, five to verdict, with all but one ending in a positive result for the client